

II. Update of Rolling Document Production and Electronic Document Production - (PTO 2 - IX)

The delivery of the recent document production on CD-ROM was delayed due to the interruption in air transportation. The documents should be delivered to PLC no later than the first week of October, 2001.

On August 23, 2001, representatives from the Plaintiffs Steering Committee visited the Johnson & Johnson computer facility in Raritan, New Jersey. These representatives were given an opportunity to view various databases that are presently the subject of discovery and in line for production. These databases relate to Janssen's operations and the plaintiff representatives were given an opportunity to view the databases in operation. Plaintiffs are awaiting receipt of screen shots and other information that was requested during the visit. The parties will be prepared to discuss this in more detail at the September 28, 2001, Monthly Status Conference.

On August 31, 2001, DLC produced the CMF (Call Center) database to PLC. Subsequently, on September 7, 2001, DLC produced the CRF (Clinical Trials) and TMF (Clinical Trials) databases to PLC. The ARISg (Safety Database) remains to be produced and is delayed due to the recent events and to quality control issues. Production of this database should be completed within a week. PLC is awaiting receipt of approximately 8 databases; however, in light of the demonstration of the various databases at Raritan, DLC has requested that PLC re-evaluate their position with respect to the production of these databases considering their cost versus utility and identify which databases PLC needs.

Pursuant to a written agreement, the databases that have been produced were produced subject to an Order providing for the allocation of costs and expenses associated with the production of electronic

data. The parties will be prepared to discuss this in more detail at the September 28, 2001 Monthly Status Conference.

The parties are continuing discussions regarding a nominee for Special Master as required by Section H(3) of PTO 10.

III. Electronic Service/Verilaw - (PTO 2-IV(C)(C))

The additional security measures have been implemented by Verilaw. This item may be removed from future agendas.

IV. State Liaison Counsel - (Minute Entry, November 16, 2000)

The New Jersey plaintiffs have advised Defendants they wish to depose 38 past and present employees of the Janssen American and Belgian companies as well as Johnson & Johnson. DLC advises these depositions are scheduled over a 54 day period beginning in October, 2001. PLC has not yet seen the schedule. Due to the magnitude of this deposition schedule, DLC believes coordination between the New Jersey State Court and this Court will be required. PLC has agreed to coordinate these depositions in a similar fashion to prior depositions that have been coordinated with state cases. As of yet no problems have arisen with coordinated depositions to PLC's knowledge. DLC and PLC have agreed to address this issue in more detail at the September 28, 2001, Monthly Status Conference and will be prepared to address possible solutions. DLC has advised that it has raised the same issue with the New Jersey Court simultaneously upon raising it with this Court.

V. Patient Profile Form and Authorization

DLC continues to receive PPFs. As of Wednesday, September 26, 2001, Defendants have received 775 Patient Profile Forms (PPFs). 199 are currently overdue and 3 will become due within the

next thirty (30) days.

PLC and DLC continue to communicate directly with plaintiff counsel whose PPFs are overdue. DLC advises that defendants intend to present for dismissal at the October, 2001 Monthly Status Conference the claims of several plaintiffs who have failed to respond to numerous requests for completion of PPFs, including, but not limited to, the claims of plaintiffs, Jason Link, Patty Absheir, Hugh Ford, Irvin Leitz and Gladys Rodriguez. These Motions will be filed fifteen days before the October, 2001 status conference and will be set for hearing at that time.

DLC and PLC have discussed issues concerning receipt of PPFs that have been furnished by plaintiffs' counsel, but are incomplete.

VI. Subpoena to FDA

Documents responsive to the subpoena have been produced by the FDA pursuant to the correspondence received from Paige Taylor dated July 26, 2001. FDA has advised that all documents responsive to the subpoena have been provided to defense counsel. PLC is awaiting receipt of the documents. The parties will be prepared to discuss this in more detail at the September 28, 2001, Monthly Status Conference.

VII. Service List of Attorneys

The parties will present the Court with the most current Master List of all Counsel, which will contain, where available, e-mail addresses.

VIII. Ongoing Studies/Subpoena to BevGlen

The parties are continuing discussions regarding the issue of production of scientific data involved in ongoing studies. The parties will attempt to negotiate a recommended order providing for the

scientific studies that may not yet be completed, studies which are completed, and the preservation of all data, including raw data, utilized in connection with all studies.

PLC issued a subpoena duces tecum to BevGlen Medical Systems Corporation of Delaware, through their Authorized Agent for Service of Process, United Corporation Services, 15 East North Street, Dover, Delaware 19901, requesting among other things, production of studies regarding Cisapride. PLC and DLC have agreed to discuss the production of materials responsive to this request, the relevance of the materials and any confidentiality issues. DLC will have a proposal to PLC re this issue prior to the September 28, 2001 status conference, and will be prepared to discuss this matter further if necessary at the conference.

IX. Third Party Subpoena Duces Tecum Issued by PSC

On July 18, 2001, PLC provided a redraft of a Pre-Trial Order for Third Party Subpoenas. DLC has not responded. PLC wrote DLC on August 27, 2001, and advised that the PLC did not believe that defendants should be screening or otherwise reviewing documents before they are produced from a third party. DLC responded to this letter on August 28, 2001, and advised that DLC believed that the process currently being undertaken by DLC which involved a review of documents and providing a privilege log was acceptable. The parties will be prepared to discuss this in more detail at the September 28, 2001, Monthly Status Conference.

On August 17, 2001, PSC served upon Dr. Joseph Levy a subpoena duces tecum. Counsel for Dr. Levy requested additional time to respond. As of yet no documents have been provided.

X. Motion to Enter Scheduling Order for Motion and Hearing on Class Certification.

The parties have had ongoing discussion regarding the scheduling order and will be prepared to

discuss this in more detail at the September 28, 2001, Monthly Status Conference. In an effort to reach an agreement for a fixed date for the class certification hearing, DLC proposed a March date. PLC was unable to agree because DLC could not confirm that documents (foreign and electronic) would be timely produced in advance of the proposed hearing date. However, it is the Defendants' position that the domestic and the foreign production will be sufficiently complete for the purpose of conducting a class certification hearing. The parties will be prepared to discuss this in more detail at the September 28, 2001 Monthly Status Conference.

XI. Plaintiffs' and Defendants' Respective Requests for Production of Documents

On May 22, 2001, defendants served their Request for Production of Documents Propounded to Plaintiffs - Set No. One: Ongoing Studies. On July 9, 2001, counsel representing the Plaintiffs' Steering Committee filed a response. Since such time, DLC has received numerous responses submitted by counsel for individual plaintiffs; however, there remain approximately 25 counsel from whom DLC has not received a response. For these parties, DLC held a Local Rule 37.1 and Pretrial Order No. 2, Paragraph VIII(a), DLC telephone conference on Monday, September 17, 2001 at which DLC gave the parties an additional two weeks, until October 1, 2001, to respond to the discovery. After such time DLC will file the appropriate Motions to Compel for the parties who fail to respond.

PLC is currently in the process of preparing responses to the Request for Production of Documents Propounded to Plaintiffs - Set No. 2 by defendants.

XII. Modification of Pre-Trial Order No. 9

The parties have met and conferred regarding modification to Pre-Trial Order #9 allowing for Defendants to provide notice to the respective plaintiffs' counsel of receipt of medical records via

Verilaw each month. The parties will submit a Motion providing for this Modification at the September 28, 2001 Monthly Status Conference.

XIII. Agenda

A proposed Agenda for the September 28, 2001 Monthly Status Conference is attached.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Report No. 10 of Plaintiffs' and Defendants' Liaison Counsel was served on Plaintiffs' Liaison Counsel by hand and e-mail and by e-service to all parties by uploading same to Verilaw, on this 26th day of September, 2001.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

IN RE: PROPULSID	:	MDL NO. 1355
PRODUCTS LIABILITY LITIGATION	:	
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	:	JUDGE FALLON
THIS DOCUMENT RELATES TO ALL CASES	:	MAG. JUDGE AFRICK
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Monthly Status Conference September 28, 2001 9:00 a.m.
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AGENDA

Current Matters:

1. Master Complaint/Answer
2. Update of Rolling Document Production and Electronic Document Production
3. Electronic Service/Verilaw
4. State Liaison Counsel
5. Patient Profile Form and Authorization
6. Subpoena to FDA
7. Service List of Attorneys
8. Ongoing Studies/Subpoena to BevGlen
9. Third Party Subpoena Duces Tecum Issued by PSC
10. Motion to Enter Scheduling Order for Motion and Hearing on Class Certification
11. Plaintiffs' and Defendants' Respective Requests for Production of Documents
12. Modification to Pre-Trial Order No. 9

New Items:

1. State Court Class Certification matters